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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
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10 CHRISTINE STRAMIELLO,)

11 Petitioner,)

12 vs.)

13 MYLES, *et al.*,)

14 Respondents.)
15 _____/

Case No. 2:13-cv-01881-JAD-GWF

ORDER

16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
17 by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was
18 submitted with the petition. Petitioner must either submit the \$5.00 filing fee for habeas petitions or
19 an application to proceed *in forma pauperis*. 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.
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21 Due to the defects presented, the pauper application will be denied, and the present action
22 will be dismissed without prejudice to the filing of a new petition in a new action with a pauper
23 application with all required attachments. It does not appear from the papers presented that a
24 dismissal without prejudice would result in a promptly-filed new petition being untimely. In this
25 regard, plaintiff at all times remains responsible for calculating the running of the limitations period
26 as applied to his case and properly commencing a timely-filed habeas corpus action.

1 **IT THEREFORE IS ORDERED** that this action is **DISMISSED WITHOUT**
2 **PREJUDICE** to the filing of **a new petition in a new action.**

3 **IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two copies of
4 an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two
5 copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

6 **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but
7 may not file further documents in this action.

8 **IT IS FURTHER ORDERED** that all pending motions, including petitioner's motions at
9 Doc. 2 & 3 are **DENIED.**

10 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

11 Dated this 3rd day of February, 2014.

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15 UNITED STATES DISTRICT JUDGE
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